

## UNITED STATES DISTRICT COURT

for the

Southern District of Alabama

United States of America	)
v.	)
Dominique Valentino Turner	) Case No: <u>1:05-CR-00105-001</u>
Date of Previous Judgment: <u>06/14/2006</u>	) USM No: <u>09338-003</u>
(Use Date of Last Amended Judgment if Applicable)	) Pro Se
	) Defendant's Attorney

**Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)**

Upon motion of  the defendant  the Director of the Bureau of Prisons  the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

**IT IS ORDERED** that the motion is:

DENIED.  GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 138 months is reduced to 120 mos. on Ct. 2.

**I. COURT DETERMINATION OF GUIDELINE RANGE** (Prior to Any Departures)

Previous Offense Level: <u>37</u>	Amended Offense Level: <u>35</u>
Criminal History Category: <u>III</u>	Criminal History Category: <u>III</u>
Previous Guideline Range: <u>262</u> to <u>327</u> months	Amended Guideline Range: <u>210</u> to <u>262</u> months

**II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE**

- The reduced sentence is within the amended guideline range.
- The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- Other (explain):

The court imposed a 138 mo. sentence on each of counts Two and Three after a motion for downward departure for substantial assistance was filed. This sentence was 47.5% off the low end of the Guideline range. A similar reduction off the new low end results in a sentence of 110 months; however, the mandatory minimum is 120 months, and the original substantial assistance motion was not made pursuant to 18 USC 3553(e).

**III. ADDITIONAL COMMENTS**

Therefore, a 120 month sentence is imposed on Count Two. Count Three was a money laundering charge, and not subject to a reduction. The sentence on Count Three thus remains 138 months.

Except as provided above, all provisions of the judgment dated 06/14/2006 shall remain in effect.

**IT IS SO ORDERED.**

Order Date: 01/13/2008

/s/ Callie V. S. Granade

Judge's signature

Effective Date: \_\_\_\_\_  
(if different from order date)

Chief United States District Judge

Printed name and title